

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

<b>VFS LEASING CO.,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	<b>CIVIL ACTION NO.: 3:06CV638-SRW</b>
<b>VS.</b>	)	
	)	
<b>G. F. KELLY, INC d/b/a KELLY</b>	)	
<b>TRUCKING; and GUY KELLY,</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

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**MOTION TO STRIKE EVIDENTIARY SUBMISSION**

Come now the Defendants G. F. Kelly, Inc. d/b/a Kelly Trucking and Guy Kelly and moves the court to strike the “Evidentiary Submission in Support of Defendant’s Motion for Summary Judgment” filed on April 30, 2007. As grounds for this motion, Defendants show the following:

1. This filing relates to plaintiff’s reply to defendants’ Opposition to Motion for Summary Judgment. The Order issued in this case on November 3, 2006 provides that no new evidentiary material may be submitted with the reply brief without prior leave of court.

Respectfully Submitted,

/s/ James H. Starnes \_\_\_\_\_  
James H. Starnes  
Attorney for Defendants

**OF COUNSEL:**  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have the foregoing pleading electronically using the CM/ECF system

which will electronically serve a copy of same on all counsel of record on this the 2nd day of May, 2007 as follows:

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